

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
ANDRE M. DAVIS
UNITED STATES DISTRICT JUDGE

U.S. COURTHOUSE
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April 1, 2005

MEMORANDUM TO COUNSEL RE:

Cooper v. Johns Hopkins Hospital and Health System
Case No. AMD 02-3987

The (still incomplete) briefing on the defendants' motion to dismiss for failure to satisfy the requirements of Fed.R.Civ.P. 9(b) has been read and considered. I deem it appropriate to rule now and in this informal manner.

Precisely for the reasons stated by defendants, it is manifest that the conclusory allegations of fraud in this case, despite the complaint's illusory representations of specificity, e.g., that an invoice for services "should not have been submitted at all," do not remotely comport with the pleading requirements of Rule 9(b).

The motion to dismiss is hereby GRANTED WITHOUT PREJUDICE and plaintiff shall file an amended complaint fully in accordance with the mandate of Fed.R.Civ.P. 9(b) on or before April 22, 2005, or the case shall be dismissed with prejudice.

SO ORDERED.

Very truly yours,

/s/

Andre M. Davis
United States District Judge

AMD:tt